



State of Arizona
Department of Education

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Special Education Monitoring Alert



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Alert to Special Education Directors: Guidance on Indicator 11

In the Arizona State Performance Plan, Indicator 11 refers to the percent of children for whom eligibility is determined within 60 calendar days from receipt of informed parental consent. This is an Office of Special Education Programs (OSEP) compliance indicator, which means that states are required to be in **100% compliance**. Over the past several years, Arizona's compliance level has been below 90%. Based on issues that have arisen during the monitoring of public education agencies (PEA), a clarification of the requirements is warranted.

The Arizona State Board of Education rules require the initial evaluation of a child being considered for special education to be completed within 60 calendar days of receipt of informed written parental consent. [Arizona Administrative Code (A.A.C.) R7-2-401 (E)(3) and (4)] It is important to clarify that informed written consent can come in one of two ways, depending on who initiates the request for evaluation.

- If the **PEA** initiates the evaluation, the 60-day timeline commences on the date the PEA receives informed written consent from the parent.
- If the **parent** requests the evaluation and the multidisciplinary evaluation team (MET) agrees that an evaluation is needed, the 60-day timeline commences on the date that the PEA receives the parent's written request. The PEA may issue a Prior Written Notice if they do not agree that an evaluation is needed at the time of the parent's written request.

Whether the evaluation is initiated by the PEA or the parent, the 60-day timeline concludes on the date the MET makes a determination of eligibility for special education and related services. The 60-day timeframe applies to all students being evaluated whether found to be eligible or found not eligible for services. Both the Individuals with Disabilities Education Act (IDEA) and Arizona law permit the 60-day evaluation period to be extended for up to 30 days as long as it is in the best interest of the child, and the parents and PEA agree in writing to such an extension.

It is important to note that the 60-day evaluation timeline does not apply under certain, specific circumstances: (1) If a parent "repeatedly fails or refuses to produce the child for the evaluation," in which case the PEA must document its attempts to address the parent's issues; or (2) If, during the 60-day evaluation period, but prior to a determination of eligibility, the child enrolls in a school in another PEA. In this scenario, the 60-day timeline does not apply to the previous school if the new school is making adequate progress to ensure the prompt completion of the evaluation, and the parent and the new school agree to a specific timeframe for completing the evaluation. [34 C.F.R. § 300.301(d) and (e)]

If you have questions about these requirements, please contact your program specialist.